

HONORABLE MARC BARRECA

Date: Wednesday May 13, 2020

Time: 9:00 a.m.

Place: Everett Station

Weyerhaeuser Room, 4th Floor

3201 Smith Avenue

Everett, WA 98201

Response Date: Wednesday May 6, 2020

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re

PRINCE LUV,

Debtor.

PRINCE LUV,

Plaintiff,

v.

WEST COAST SERVICING, INC.,

Defendant.

Bk. Case No. 19-14182-MLB

Adv. No. 20-01017-MLB

DEFENDANT'S MOTION FOR AN
AWARD OF FEES

I. NOTICE OF HEARING

PLEASE TAKE NOTICE that defendant West Coast Servicing, Inc. is moving for an award of fees set for hearing as follows:

Judge	Honorable Marc Barreca
Date	Wednesday May 13, 2020
Time	9:00 a.m.
Place	Everett Station Weyerhaeuser Room, 4 th Floor 3201 Smith Avenue Everett, WA 98201
Response Date	Wednesday May 6, 2020

If you oppose the Motion, you must file your written response with the Clerk's office of the Bankruptcy Court and deliver copies to the undersigned not later than the Response Date. If

1 no response is timely filed and served, the Court may, in its discretion, grant the Motion prior to
2 the hearing without further notice, and strike the hearing.

3 **II. FACTS**

4 The underlying civil action is a real property quiet title action by the Debtor / Plaintiff
5 against the Defendant. Plaintiff removed the civil action to this Court, and as explained in the
6 Defendant's motion for remand, removal was plainly untimely. The Plaintiff knew removal was
7 untimely, at the earliest, when the motion for remand was filed, yet Plaintiff refused to voluntarily
8 remand, forcing Defendant to incur additional fees. Defendant seeks fee reimbursement, as
9 authorized by statute.
10

11 **III. POINTS AND AUTHORITIES**

12 Under 28 USC 1447(c), a remand order may require the removing party to pay expenses
13 incurred due to removal.

14 Here, a fee award is appropriate. As confirmed by Plaintiff's single page response to the
15 motion for remand, Plaintiff never had a meritorious justification for the untimely removal.
16 Defendant has incurred significant and unnecessary fees in moving to have the defective removal
17 reversed, and those fees should be reimbursed. This is precisely the type of case warranting a fee
18 award under 28 USC 1447(c).
19

20 Defendant requests an award of fees actually incurred and anticipated in the total amount
21 of \$4,115.00, as itemized in the declaration of counsel filed herewith.
22

23 **IV. CONCLUSION**

24 Defendant should be award its fees incurred in the case remand.

25 DATED April 8, 2020

26 /s/ Joseph Ward McIntosh
27 Joseph Ward McIntosh, WSBA #39470
28 Attorney for West Coast Servicing, Inc.

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re		Bk. Case No. 19-14182-MLB
PRINCE LUV,		Adv. No. 20-01017-MLB
	Debtor.	
PRINCE LUV,		ORDER GRANTING DEFENDANT'S
	Plaintiff,	MOTION FOR FEES
v.		[PROPOSED]
WEST COAST SERVICING, INC.,		
	Defendant.	

JUDGMENT SUMMARY

Judgment Creditor	West Coast Servicing, Inc.
Judgment Debtor	Prince Luv
Total Judgment	\$4,115.00
Post-Judgment Interest	12.00 % per annum
Attorneys for Judgment Creditor	Joseph Ward McIntosh McCarthy & Holthus, LLP 108 1 st Ave S, Ste 300 Seattle, WA 98104

THIS MATTER having come before the Court on the motion by defendant West Coast Servicing, Inc. for an award of fees following case remand, it is hereby

ORDERED that the motion is GRANTED, it is further

1 ORDERED that West Coast Servicing Inc. is awarded, against Prince Luv, reasonable fees
2 in the amount of \$4,115.00.

3 PRESENTED BY:

4 /s/ Joseph Ward McIntosh
5 Joseph Ward McIntosh, WSBA #39470
6 Attorney for West Coast Servicing, Inc.
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